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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND
INTERFERENCES



Applicant: Kevin David Eld et al.

Examiner: Kelvin Y. Lin

Serial No.: 09/845,813

Group Art Unit: 2142

Filed: April 30, 2001

Docket No.: 10013062-1

Title: DOCUMENT MANAGEMENT SYSTEM AND METHOD USING
CONTENT GROUPING SYSTEM

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief – Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir/Madam:

This Appeal Brief is presented in support of the Notice of Appeal filed on May 30, 2006, from the Non-Final Rejection mailed January 27, 2006 Reopening Prosecution after an Appeal Brief and rejecting claims 1, 2, 5-14, 16-20, and 23-31 of the above-identified application.

The U.S. Patent and Trademark Office is hereby authorized to apply **the appeal brief fee previously paid** with the Appeal Brief previously filed on October 17, 2005.

A petition for a one month extension of time is hereby requested. A request is made to charge **Deposit Account No. 08-2025** in the amount of **\$120.00** for the one month extension of time. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees required under 37 C.F.R. 1.16, 1.17, 1.19, 1.20, and 1.21 to Deposit Account 08-2025.

Appellant respectfully requests reversal of the Examiner's rejection of pending claims 1, 2, 5-14, 16-20, and 23-31.

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REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

RELATED APPEALS AND INTERFERENCES

Appellant submits that there are no related appeals or interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal.

STATUS OF CLAIMS

Claims 1, 2, 5-14, 16-20, and 23-31 are pending in the application (see Claims Appendix), and are the subject of the present Appeal. Claims 3, 4, 15, 21, and 22 were previously cancelled.

Claims 1, 2, 5-14, 16-20, and 23-31 are rejected as being unpatentable under 35 U.S.C. § 103(a) over Poole et al. U.S. Patent No. 6,006,242 in view of Headings et al. U.S. Published Patent Application No. 2002/0143782.

STATUS OF AMENDMENTS

No amendments have been entered subsequent to the Final Rejection mailed May 19, 2005. The claims listed in the Claims Appendix, therefore, reflect the claims as of May 19, 2005.

SUMMARY OF THE CLAIMED SUBJECT MATTER

One aspect of the present invention, as claimed in independent claim 1, provides a method of distributing a plurality of documents. The method includes associating a metadata file (18) with each of the documents, applying at least one content attribute (22) to each of the documents, including analyzing a content (13) of each of the documents and assigning a content attribute value (23) to the content attribute of each of the documents based on the content thereof, and appending the metadata file (18') of each of the documents with the at

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least one content attribute and the content attribute value thereof, assigning at least one content group (32) to each of the documents based on the at least one content attribute and the content attribute value thereof, including modifying the metadata file (18") of each of the documents to include the at least one content group thereof, and distributing the documents based on the at least one content group of each of the documents (see, e.g., Specification at p. 11, line 13 - p. 12, line 12; and Figs. 3, 5, and 11-13).

One aspect of the present invention, as claimed in independent claim 14, provides a method of distributing a plurality of documents. The method includes associating a metadata file (18) with each of the documents, applying a content attribute (22) to each of the documents, including analyzing a content (13) of each of the documents and assigning a content attribute value (23) to the content attribute of each of the documents based on the content thereof, and appending the metadata file (18') of each of the documents with the content attribute and the content attribute value thereof, assigning a content group (32) to each of the documents based on the content attribute and the content attribute value thereof, including modifying the metadata file (18") of each of the documents to include the content group thereof, defining a plurality of content categories (42), including associating the content group with at least one of the content categories, and distributing for the at least one of the content categories each of the documents assigned the content group (see, e.g., Specification at p. 11, line 13 - p. 12, line 22; and Figs. 3, 5, 8, and 11-14).

One aspect of the present invention, as claimed in independent claim 18, provides a document management system adapted to manage distribution of a plurality of documents. The document management system includes a metadata architecture system (20), a logic rules application system (30), and a document distribution system (40). The metadata architecture system is adapted to analyze a content (13) of each of the documents, apply at least one content attribute (22) to each of the documents based on the content thereof, assign a content attribute value (23) to the content attribute of each of the documents based on the content thereof, and append a metadata file (18) of each of the documents with the at least one content attribute and the content attribute value thereof. The logic rules application system is adapted to assign at least one content group (32) to each of the documents based on the at least one content attribute and the content attribute value thereof, and modify the metadata file of each of the documents to include the at least one content group thereof, and the

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document distribution system is adapted to distribute the documents based on the at least one content group of each of the documents (see, e.g., Specification at p. 5, line 11 - p. 8, line 2; and Figs. 1, 3, and 5).

GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks review of the rejection of claims 1, 2, 5-14, 16-20, and 23-31 as being unpatentable under 35 U.S.C. § 103(a) over Poole et al. U.S. Patent No. 6,006,242 in view of Headings et al. U.S. Published Patent Application No. 2002/0143782.

ARGUMENT

Rejection Under 35 U.S.C. § 103(a)

A. Applicable Law

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

B. Rejection of claims 1, 2, 5-14, 16-20, and 23-31 under 35 U.S.C. §103(a) as being unpatentable over Poole et al. U.S. Patent No. 6,006,242 in view of Headings et al. U.S. Published Patent Application No. 2002/0143782

Poole and Headings, taken alone or in combination, fail to teach or suggest at least one element of each of the independent claims so that they and their dependent claims are

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patentable over Poole in view of Headings.

Independent claim 1 recites a method of distributing a plurality of documents, the method comprising: associating a metadata file with each of the documents; applying at least one content attribute to each of the documents, including analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, and including appending the metadata file of each of the documents with the at least one content attribute and the content attribute value thereof; assigning at least one content group to each of the documents based on the at least one content attribute and the content attribute value thereof, including modifying the metadata file of each of the documents to include the at least one content group thereof; and distributing the documents based on the at least one content group of each of the documents.

Independent claim 14 recites a method of distributing a plurality of documents, the method comprising associating a metadata file with each of the documents; applying a content attribute to each of the documents, including analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, and including appending the metadata file of each of the documents with the content attribute and the content attribute value thereof; assigning a content group to each of the documents based on the content attribute and the content attribute value thereof, including modifying the metadata file of each of the documents to include the content group thereof; defining a plurality of content categories, including associating the content group with at least one of the content categories; and distributing for the at least one of the content categories each of the documents assigned the content group.

Independent claim 18 recites a document management system adapted to manage distribution of a plurality of documents, the document management system comprising a metadata architecture system adapted to analyze a content of each of the documents, apply at least one content attribute to each of the documents based on the content thereof, assign a content attribute value to the content attribute of each of the documents based on the content thereof, and append a metadata file of each of the documents with the at least one content attribute and the content attribute value thereof; a logic rules application system adapted to assign at least one content group to each of the documents based on the at least one content attribute and the content attribute value thereof, and modify the metadata file of each of the

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documents to include the at least one content group thereof; and a document distribution system adapted to distribute the documents based on the at least one content group of each of the documents.

The Poole et al. patent relates generally to document production, and more particularly, to an apparatus and method for dynamically constructing an electronic document for subsequent publication (col. 1, lines 16-20). As such, Figs. 3 and 4 of the Poole et al. patent illustrate in flow diagram form various steps involved in creating a document in accordance with the Poole et al. invention (col. 6, lines 15-17). More specifically, Fig. 4 of the Poole et al. patent illustrates a document construction routine (col. 6, line 49 - col. 7, line 27).

Poole et al. illustrates how to construct documents using a Standard Generalized Markup Language (SGML). (col. 5, line 63 to col. 6, line 14). SGML can refer to data represented in a certain syntax. "An 'entity' is an item that can be referenced as a unit. Entities provide an easy and useful way of incorporating often repeated characters, strings or characters, characters not available on the keyboard or non-textual data such as images within a document or DTD." (col. 4, lines 31-35). A 'catalog' has a specific meaning within the context of SGML in Poole which provides a definition: "A 'catalog' refers to an entity conforming to the SGML Open specification for catalogs. A catalog is a dictionary containing a number of entry pairs. Each entry pair in the catalog describes a resolution process or strategy for a specific entity reference." (col. 4, lines 17-21).

The apparatus and method of the Poole et al. patent, therefore, is directed to creating a document and not to the methods and document management system of the independent claims 1, 14 and 18 for distributing a plurality of documents in contrast to the assertion on page 3 paragraph 2 of the January 27, 2006 office action. Again as previously stated, the distribution that the Examiner refers to in col. 51, lines 45-53 of the Poole et al. patent is not distribution of a document, but rather is distribution of the inferencing capabilities of the Inference Engine 300 of the Poole et al. patent wherein the Inference Engine 300 is "an architectural component of the dynamic document construction apparatus of the present invention that is intended to be independent of any specific application" (col. 42, lines 26-31).

Col. 5, lines 6-9 of Poole is cited for teaching or suggesting "associating a metadata file with each of the documents" of claims 1 and 14 at the top of page 4 and on page 8,

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paragraph 13 of the Office Action. Poole states at col. 5, lines 6-9: "Each of the constituent portions of the document is associated with an entity reference which is selected by the document developer." The document itself does not exist yet so metadata cannot be associated with it. This tells us that in order to generate the document, a number of entity references must be resolved based on their markup language syntax, but in no way teaches or suggests "associating a metadata file with each of the documents" as recited in claims 1 and 14.

Furthermore, Poole is solely relied upon again for teaching or suggesting claim 1's "modifying the metadata file of each of the documents to include the at least one content group thereof", "appending the metadata file of each of the documents with the content attribute and the content attribute value thereof" of claim 14 or claim 18's metadata architecture system that "append[s] a metadata file of each of the documents with the at least one content attribute and the content attribute value thereof." Col. 11, lines 59-67 of Poole do not disclose modifying or appending metadata. The use of style formatting macros and templates such as for a Rich Text Format (RTF) Document Formatter are discussed. These document editing macros and templates do not constitute metadata. Additionally, the RTF fields discussed are not disclosed to be directed to content attribute values or content groups. Additionally, the content entity discussed at col. 14, lines 32-38 does not represent metadata for a document. "A Content Entity is one that represents document language." (col. 14, lines 30-31). A number of documents may point to the same content entity to include the same document language it contains. However, the content entity is not metadata appended to a document and nor does it reference a content attribute value or a content group as it includes language to be incorporated as part of the document itself.

Again on page 4 of Action, Poole et al. is relied upon for teaching or suggesting "assigning content attributes values to the content attributes for each of the documents based on the content thereof" of claim 1 and similar limitations in claims 14 and 18. The citation for col. 43, lines 59-60 are cited for support. Column 43 beginning at line 39 discusses the requirements for rules for the Inference Engine: "The requirements for a Rule include identification, annotation, self evaluation, referencing, parameter acceptance, multiple definitions, and runtime assignment." (Col. 43, lines 42-45). The discussion is still about a Rule object when lines 59-60 state: "A value should be assignable to a rule at runtime

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(runtime assignment).” Rules are being assigned values here, not content attribute values being assigned to the content attributes for each of the documents based on the content thereof.”

The Office Action does not provide support for Headings remedying these deficiencies. Furthermore, it is respectfully requested that any further references to Headings in any future Office communications for teaching or suggesting the subject matter of the claims be to the provisional application filed on March 30, 2001 and not the U.S. Published Patent Application which was filed on July 31, 2001, *after the filing date* of Applicants application. All the material in the published application is not in the provisional patent application, and the text and some of the figures are different.

For at least the reasons set forth above, Appellant submits that Poole in view of Headings does not teach or suggest or motivate one of ordinary skill in the art to make the invention as claimed in each of the independent claims 1, 14, and 18. Furthermore, as dependent claims 2 and 5-13 further define patentably distinct claim 1, dependent claims 16-17 further define patentably distinct claim 14, and dependent claims 19-20 and 23-31 further define patentably distinct claim 18, Appellant submits that these dependent claims are also patentable over Poole in view of Headings.

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CONCLUSION

Appellant, therefore, respectfully requests that the rejection of claims 1, 2, 5-14, 16-20, and 23-31 under 35 U.S.C. 103(a) be withdrawn, and that claims 1, 2, 5-14, 16-20, and 23-31 be allowed.

Respectfully submitted,

Kevin David Eld et al.



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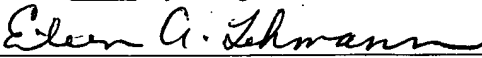
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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30 day of August, 2006.

By 

Name: Eileen A. Lehmann

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CLAIMS APPENDIX

1. (Previously Presented) A method of distributing a plurality of documents, the method comprising:

associating a metadata file with each of the documents;

applying at least one content attribute to each of the documents, including analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, and including appending the metadata file of each of the documents with the at least one content attribute and the content attribute value thereof;

assigning at least one content group to each of the documents based on the at least one content attribute and the content attribute value thereof, including modifying the metadata file of each of the documents to include the at least one content group thereof; and

distributing the documents based on the at least one content group of each of the documents.

2. (Previously Presented) The method of claim 1, wherein associating the metadata file with each of the documents includes identifying at least one of a title, an author, a date, and an identification of each of the documents.

3. (Cancelled)

4. (Cancelled)

5. (Previously Presented) The method of claim 1, wherein assigning the at least one content group to each of the documents includes defining a plurality of content groups including the at least one content group, defining at least one condition for each of the content groups, and assigning the at least one content group to at least one of the documents if the at least one of the documents satisfies the at least one condition of the at least one content group.

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6. (Original) The method of claim 5, wherein defining the at least one condition for each of the content groups includes specifying at least one of a plurality of content attributes including the at least one content attribute and a content attribute value for the at least one of the plurality of content attributes.

7. (Original) The method of claim 5, wherein assigning the at least one content group to the at least one of the documents includes assigning at least one content group value to a content group attribute of the at least one of the documents.

8. (Original) The method of claim 7, wherein modifying the metadata file of each of the documents to include the at least one content group includes modifying the metadata file of the at least one of the documents to include the at least one content group value for the content group attribute.

9. (Previously Presented) The method of claim 1, wherein distributing the documents includes defining a plurality of content categories, associating the at least one content group with at least one of the content categories, and distributing for the at least one of the content categories each of the documents assigned the at least one content group.

10. (Original) The method of claim 9, wherein defining the plurality of content categories includes defining at least one content sub-category for the at least one of the content categories, and wherein associating the at least one content group with the at least one of the content categories includes associating the at least one content group with the at least one content sub-category.

11. (Previously Presented) The method of claim 9, wherein distributing the documents includes defining a navigational model identifying the content categories, presenting the navigational model to an audience, receiving a request for documents associated with one of the content categories from the audience, and distributing the documents associated with the one of the content categories to the audience, including distributing the documents assigned the at least one content group associated with the at least one of the content categories.

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12. (Previously Presented) The method of claim 11, wherein distributing the documents further includes defining a communication link between a host of the navigational model and the audience, wherein receiving the request for documents includes receiving the request for documents associated with the one of the content categories from the audience via the communication link, and wherein distributing the documents includes distributing the documents associated with the one of the content categories to the audience via the communication link.

13. (Original) The method of claim 12, wherein defining the communication link includes defining an Internet communication link between the host of the navigational model and the audience.

14. (Previously Presented) A method of distributing a plurality of documents, the method comprising:

associating a metadata file with each of the documents;

applying a content attribute to each of the documents, including analyzing a content of each of the documents and assigning a content attribute value to the content attribute of each of the documents based on the content thereof, and including appending the metadata file of each of the documents with the content attribute and the content attribute value thereof;

assigning a content group to each of the documents based on the content attribute and the content attribute value thereof, including modifying the metadata file of each of the documents to include the content group thereof;

defining a plurality of content categories, including associating the content group with at least one of the content categories; and

distributing for the at least one of the content categories each of the documents assigned the content group.

15. (Cancelled)

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16. (Previously Presented) The method of claim 14, wherein assigning the content group to each of the documents includes defining a plurality of content groups including the content group, defining a condition for each of the content groups, and assigning at least one of the content groups to at least one of the documents if the at least one of the documents satisfies the condition of the at least one of the content groups.

17. (Original) The method of claim 16, wherein defining the condition for each of the content groups includes specifying at least one of a plurality of content attributes including the content attribute and a content attribute value for the at least one of the plurality of content attributes.

18. (Previously Presented) A document management system adapted to manage distribution of a plurality of documents, the document management system comprising:
a metadata architecture system adapted to analyze a content of each of the documents, apply at least one content attribute to each of the documents based on the content thereof, assign a content attribute value to the content attribute of each of the documents based on the content thereof, and append a metadata file of each of the documents with the at least one content attribute and the content attribute value thereof;

a logic rules application system adapted to assign at least one content group to each of the documents based on the at least one content attribute and the content attribute value thereof, and modify the metadata file of each of the documents to include the at least one content group thereof; and

a document distribution system adapted to distribute the documents based on the at least one content group of each of the documents.

19. (Original) The document management system of claim 18, further comprising:
a document management data storage system adapted to store the documents therein.

20. (Original) The document management system of claim 18, wherein the metadata file of each of the documents includes at least one of a title, an author, a date, and an identification of the respective one of the documents.

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21. (Cancelled)

22. (Cancelled)

23. (Original) The document management system of claim 18, wherein the logic rules application system defines a plurality of content groups including the at least one content group and defines at least one condition for each of the content groups, and wherein the logic rules application system is adapted to assign the at least one content group to at least one of the documents if the at least one of the documents satisfies the at least one condition of the at least one content group.

24. (Original) The document management system of claim 23, wherein the at least one condition for each of the content groups specifies at least one of a plurality of content attributes including the at least one content attribute and a content attribute value for the at least one of the plurality of content attributes.

25. (Original) The document management system of claim 23, wherein the logic rules application system is adapted to assign at least one content group value for the at least one content group to a content group attribute of the at least one of the documents.

26. (Original) The document management system of claim 25, wherein the logic rules application system is adapted to modify the metadata file of the at least one of the documents to include the at least one content group value for the content group attribute.

27. (Original) The document management system of claim 18, wherein the document distribution system defines a plurality of content categories, and wherein the document distribution system is adapted to associate the at least one content group with at least one of the content categories and distribute for the at least one of the content categories each of the documents assigned the at least one content group.

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28. (Original) The document management system of claim 27, wherein the document distribution system defines a navigational model identifying the content categories, and wherein the document distribution system is adapted to present the navigational model to an audience, receive a request for documents associated with one of the content categories from the audience, and distribute the documents associated with the one of the content categories to the audience.

29. (Original) The document management system of claim 28, wherein the document distribution system is adapted to distribute the documents assigned the at least one content group associated with the at least one of the content categories.

30. (Original) The document management system of claim 28, wherein a host of the navigational model is configured to communicate with the audience via a communication link, and wherein the document distribution system is adapted to receive the request for the documents associated with the one of the content categories from the audience via the communication link and distribute the documents associated with the one of the content categories to the audience via the communication link.

31. (Original) The document management system of claim 30, wherein the communication link includes an Internet communication link.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None